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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/810,161 | 03/26/2004 | Jason McKittrick | RUS0152 | 8348 |

Valeo, Inc.
Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

7590

01/31/2007

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| EXAMINER |
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JIMENEZ, MARC QUEMUEL

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3726

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/31/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/810,161

Applicant(s)

MCKITTRICK ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **101**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 21-24 and 29-33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites in lines 4-5: “fold or bend on the double baffle having peripheral walls that form a central chamber” which appears to be incomplete.

Claim 21 recites “the contact area chamber” in line 11 which lacks proper antecedent basis.

Claim 21 recites “the contact of the end tank” in lines 12-13. It appears that this should read - - the contact area of the end tank - - .

Claim 21 recites “chamber” in line 17, it is unclear which chamber is being referred to, the “central chamber” recited in line 6 or “the contact area chamber” recited in line 11.

Claim 21 recites “between the wall” in lines 17-18. It appears that this should read - - between the walls - - .

Claim 21 recites “the interior” in the last line which lacks proper antecedent basis.

Claim 21 recites “so that when assembled the overall chamber width between the wall of the double baffle is larger at area of the end tank than at the interior” which appears to be incomplete.

Claim 24 recites “the baffle portions” in line 4 which lacks proper antecedent basis.

Claim 29 recites in lines 4-6: “fold or bend on the double baffle and with having peripheral walls of the double baffle formed so that they form a central chamber” appears to be incomplete.

Claim 29 recites “a relief mean” in line 10. It appears that this should read - - a relief means - - . Furthermore, it is unclear what a “relief means” encompasses as far as structural configuration in the claims.

Claim 29 recites “after assembly the relief means at a point contiguous with or throughout the thickness of the tab” appears to be incomplete. It is also unclear what this limitation encompasses.

Claim 29 recites “the contact area chamber” in line 14 which lacks proper antecedent basis.

Claim 29 recites “the contact” in lines 15-16. it is unclear which contact is being referred to, “the contact area chamber” in line 14 or “the contact area” in lines 7-8.

It is difficult to determine the scope of the claims based on the above 35 USC 112 2nd paragraph rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 21-24 and 29-33** as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Tokutake et al. (EP0480628A1).

Tokutake et al. teach a method for making a one piece double baffle **307** (figure 16) comprising a tab **319** at an area of insertion, fold or bend **319** on the double baffle **307** having peripheral walls **312** that form a central chamber (for example figure 15 at **218**), providing a heat exchanger end tank **103** which comprises a contact area comprising a deformation, perforation,

slot or other shaped mating hole **120** for insertion of the tab **319** of the double baffle **307**, aligning the tab **319** of the baffle **307** and the end tank contact area so that the tab **319** may be inserted into the contact area contact area chamber **103** at the contact of the end tank, and applying a sealing technique such that the double baffle **307** remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications, so that when assembled the overall chamber **218** width (in figure 17, the width being measured from point **110** to point **312a**) between the walls **312** of the double baffle is larger at an area of the end tank than at the interior (for example the width at **319** of the double baffle is smaller than the width between points **110** and point **312a** in figure 17). The tab **319** is extended through the wall of the end tank **103** that is essentially leak tight. Note the baffle portions **312** are basically perpendicular to the tank wall surface (see figure 16). Note the relief means **312c** or **313c** or **314** formed throughout the thickness of the tab.

Response to Arguments

6. Applicant's arguments with respect to claims 21-24 and 29-33 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant argues that Tokutake does not teach a double baffle chamber width larger at the end tank or double baffle with portions basically perpendicular to the tank wall surface. These are newly added limitations that have been addressed in the new grounds of rejection above. In addition, applicant argues that Tokutake does not teach a relief means. However, it is unclear from the claims what specific structure that a relief means has. In addition, the new grounds of rejection above addresses the relief means limitation.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Interviews After Final

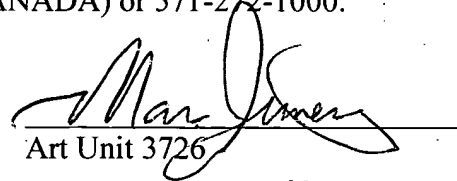
9. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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**MARC JIMENEZ
PRIMARY EXAMINER**

MJ
1-23-07